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(Text does not include verbatim comments)

Introduction

- Thank you for inviting me to speak today.

- I'm glad I have the opportunity to talk with you about some of the issues IDEM has been working on that will impact the environment and the work you do.

- These next few years will present interesting opportunities for engineers through the implementation of the MS4 program. You will all play a crucial role in helping municipalities curb a significant environmental threat - polluted storm water.

MS4 (Municipal Separate Storm Sewer System)

- Phase two of the storm water requirements of the National Pollutant Discharge Elimination System (or NPDES) program, a new federally mandated program that will be implemented by IDEM, will help improve the quality of Indiana waterways by reducing the amount of polluted storm water run-off flowing into Hoosier waterways.

- Run-off from urban areas is a source of pollution in 13 percent of impaired rivers, lakes, ponds and reservoirs in the United States, according to the U.S. Environmental Protection Agency's 1996 National Water Quality Inventory Report to Congress.

- The problem is significant, but so is the role engineers will likely play in the solution, as you will see.

- This regulation, which will be referred to as 327 IAC 15-13 or **Rule 13**, will go into effect in December 2002. The MS4 Program regulation will require communities with larger populations (10,000 or more) and other urban entities such as counties, universities, military bases and correctional facilities to obtain a general permit under Rule 13.

- Regulated entities must apply for a permit before March 2003.

- There are certain criteria for determining whether a community is an MS4 entity. They are:
    - Location on an urbanized area map;
    - Population size (more than 7,000);
    - Population density; (500 per sq. mile or greater);
    - Population growth or growth potential, (ten percent between 1990-2000);
    - Proximity to phase 1 or phase 2 communities. This includes entities that don't necessarily fit the criteria for being MS4 communities on their own, but are interconnected through storm water drains with an MS4 community;
    - Quality of storm water that discharges into a water body used as a drinking water source; and
    - Potential for storm water effluent discharges to exceed water quality standards.

- With guidance from IDEM, each community or entity will be able to adopt its own plan on the implementation of six minimum control measures that include:
  (The italicized points are the role engineers will play in instituting each of the control measures.)
    - Public education and outreach;
    - Public involvement and participation;
    - Illicit discharge detection and elimination;
    - Will require mapping of the storm water conveyance system using either GIS or drawings. Although not specifically required, accurate mapping may be conducted through the use of surveying.
    - The goal of this mapping requirement is for each regulated MS4 entity to better understand its conveyance system, and to identify the location of connections and key juncture points. This goal, in conjunction with basic field chemical testing, will enable entities to quickly narrow their search for illicit discharges and pollutant sources.
    - Engineers can greatly assist the regulated community in developing a mapping strategy and illicit detection and elimination program.

- Construction site storm water run-off control;
    - *Will require development of a construction site storm water run-off control program, similar to the state-run Rule 5 program, that includes recommendations for appropriate Best Management Practices (or BMPs) to utilize within a regulated MS4 area.*
    - *Because there may be varying performance results for BMPs based on geography and other factors, engineers can play a part in developing a list of acceptable BMPs to use in each MS4 community.*
    - *Engineers may also be asked to provide input into the development of an MS4 area ordinance regulating construction site activities. After the program is implemented, engineers may also assist in MS4 entity training or actual review of construction plans for sites.*

- Post-construction storm water management in new development and redevelopment;
    - *Will require development of a construction site storm water run-off control program, similar to the state-run Rule 5 program, which includes recommendations for appropriate BMPs to utilize within a regulated MS4 area.*
    - *Because there may be varying performance results for BMPs based on geography and other factors, engineers can play a part in developing a list of acceptable BMPs to use in each MS4 community.*
    - *Engineers may also be asked to provide input into the development of an MS4 area ordinance regulating construction site activities. After the program is implemented, engineers may also assist in MS4 entity training or actual review of construction plans for sites.*

- Pollution prevention/good housekeeping for municipal operations.

- *Will require self-assessment of current operational practices related to storm water quality impact.*
- *Activities, such as street sweeping, catch basin cleaning, salt/sand application to roads, and material storage, will need to be assessed.*
- *Engineers could be asked to provide activity frequency or standard storage practice recommendations.*
- *Engineers could also provide calculations on things such as optimal volumes of salt/sand to apply after snow/ice storms to reduce the amount of pollutants entering storm water conveyances.*

Why are engineers crucial to the MS4 rule?

- Since the concept of MS4 is very new to most of the affected communities, engineers will likely play a significant role in developing implementation for the program.

- Phase 2 will require a significant amount of creativity on the part of affected entities and the engineers they work with.

- With the minimum control measures, there is a wide framework within which you can work. That way, you can decide on a plan that best suits your individual needs.

- Many of the regulated entities may not have the framework necessary to develop or implement many of these measures, some of which can be technically complicated. Engineers will be in a position to educate the municipalities they work with, help them develop and implement best management practices and see them through the lengthy compliance process.

Rule 5 change under Phase II

- Rule 5 deals with storm water discharges associated with land disturbance and construction activities.

- The most significant change under Phase II is that any activity disturbing one acre or more of land will require a permit. This rule used to pertain only to activities disturbing 5 acres or more of land.

- This means engineers, when they develop a construction plan, will have to think about things such as storm water pollution prevention and erosion control.

Rule 6 change under Phase II

- Conditional No Exposure Certification option will be expanded to all categories of Industry (currently only category "J" facilities may apply. These facilities are classified as light industry and include facilities such as printing and publishing, food product, electronic equipment and general warehousing.)

- This will impact you, because as industries become involved in this certification process they will need engineers to evaluate facilities to see where Best Management Practices (BMPs) can be instituted.

- If there is no exposure as a result of BMPs put in place, the facility will no longer require a permit.

Legislation

- Since this current legislative session is a short session, we are proposing only two pieces of legislation. This is standard practice of most state agencies during a short session, as it allows legislators to have the time they need to review issues that are either time sensitive or critical.

- One of the pieces of legislation we are proposing, which doesn't have a number assigned yet, deals specifically with the definition of "public water system."

- If passed, this would replace the term "water supply system" and "public water supply" with the term "public water system" in order to satisfy the U.S. EPA request to be exactly consistent with federal terms. This bill would only change definitions, not meaning.

- The second bill, which I know many of you are interested in, is HB 1004.

- The bill, if passed, will increase permit statutory fees instituted in 1994 by 30 percent for NPDES, solid waste and hazardous waste.

- These increased fees, which will increase our fee revenues from about 8.6 million annually to $11.1 million, may be uncomfortable, but are imperative to ensure that IDEM may continue to serve the residents of Indiana.

Why

- Inflation, lower than anticipated fee revenues and continuing program demands warrant an adjustment in fees, which have not been raised since 1994 (8 years).

- IDEM has cut costs but inflation has taken its toll.

- Really, this is a cost-of-living adjustment.

- Since 1994, our staff and responsibilities have grown, but our fees have remained stagnant.

- We have a 100 percent record for meeting permit deadlines on time.

- The number of compliance inspections we conduct has increased, as has environmental monitoring and outreach assistance.

- We are operating on a proverbial shoestring, which can't continue forever. Soon, if there is not a fee increase, things will start slipping.

- Whether it is the permit reviewer who, because of a backlog, misses a deadline or someone asking for assistance and not receiving it because of our workload, there will be noticeable consequences.

- We don't want that and, as people with vested interests in our efficiency, neither do you.

- So I urge you to support our fee increases for the benefit of yourselves as well as the environment. Write your legislator in support of HB1004.

Drinking Water Fees

- IDEM cannot keep pace with the new Safe Water Drinking Water Act mandates without additional funding.

- The 1996 Act created several new mandates that IDEM has begun implementing without additional resources necessary.

- Over the next several years, demands will far exceed any available resources.

- If revenue is not generated to meet the demands placed on IDEM staff and resources, our compliance rates, number of inspections and timely issuance of permits could potentially suffer.

- Already, IDEM's drinking water program falls below those of other Midwest states in staffing levels, funding and fee collections.

Storm water Fees

- Congress/EPA have also required extensive new storm water management program (Phase II)

- IDEM is working now to develop the rules for this program

- IDEM resources do not now exist to work with municipalities and others on these new permits over the coming years

- HB 1004 allows the Water Pollution Control Board to move forward with public debate on whether to set up a fee schedule and the specifics of the schedule.

Conclusion

- Both of us - IDEM and engineers - have much to do in the next few years. I'm confident that with the support of each other, we can accomplish a great deal.

- Now I'd like to open the floor for questions…